

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation
and Administration of California Renewables Portfolio
Standard Program.

Rulemaking 11-05-005
(Filed May 5, 2011)

**DECISION GRANTING COMPENSATION TO THE CLEAN COALITION FOR
SUBSTANTIAL CONTRIBUTION TO DECISION 14.11-042**

Intervenor: The Clean Coalition	For contribution to Decision 14-11-042
Claimed: \$25,715.00	Awarded: \$23,159.45 (reduced 9.9%)
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: Anne E. Simon

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	The Final Decision conditionally accepts the draft 2014 Renewables Portfolio Standard (RPS) Procurement Plans, including the related solicitation protocols. The decision also adopts certain aspects of the Energy Division's April 8, 2014 proposal to reform parts of the RPS procurement review process. Finally, the decision adopts a revised Renewable Auction Mechanism (RAM) process that reflects the current renewable procurement market for smaller projects.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	June 13, 2011	Verified
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	July 8, 2011	Verified
4. Was the NOI timely filed?		Yes

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.10-05-006	Verified
6. Date of ALJ ruling:	July 19, 2011	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.10-05-006	Verified
10. Date of ALJ ruling:	July 19, 2011	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-11-042	Verified
14. Date of issuance of Final Order or Decision:	November 20, 2014	11/24/2014
15. File date of compensation request:	January 20, 2015	01/23/2015
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
1. Benefits of utilizing RAM The Clean Coalition recommended that the Commission authorize an additional 1,000 MW for the RAM to be shared between the IOUs and direct the utilities to hold four more auctions over two years. Though the RAM was not renewed under the same structure adopted in D.10-12-048, the Commission recognized the benefits of the RAM that the Clean Coalition identified. The Clean Coalition	“Some parties support continuing the RAM auctions in the existing or a similar form. Toward this end, parties suggest that the Commission authorize additional capacity into [the] RAM program, extend RAM through more auctions, and keep the structure similar to the existing RAM. The Joint Solar Parties, National Resources Defense Council (NRDC), and Clean Coalition support this direction based on the rationale that RAM, in its current format, successfully promoted procurement of smaller renewable generation.” D.14-11-042 at 88-89.	Yes but unreasonably duplicative of other parties, such as the Joint Solar Parties and NRDC.

<p>argued that the RAM process is more efficient in both application and evaluation than an RFP. Also, the RAM is the only mechanism providing streamlined bidding, procurement selection, standard contracts and approval for RPS-eligible projects greater than 3 MW. The Clean Coalition was a substantial contributor to D.10-12-048, including development of the standard contracts and RAM interconnection maps utilized to streamline the processes.</p> <p>With these benefits in mind, the decision did not end the RAM, but instead revised it to function as a procurement tool. Further, as the Clean Coalition advocated, the decision added one additional auction (RAM 6).</p>	<p>Clean Coalition January 31, 2014 comments at 5-12 (regarding benefits of continuing the RAM in some form).</p> <p>Clean Coalition January 31, 2014 comments at 9 (regarding authorizing RAM 6) (“The Commission should authorize, at minimum, an additional 1,000 MW of capacity for 4 auctions over 2 years.).</p>	
<p>2. IOU Service Territory Locational Restrictions</p> <p>The Clean Coalition recommended limiting eligibility of the RAM to projects interconnecting to the distribution system in the IOU’s service territories.</p> <p>The decision expanded the RAM eligible area to the CAISO balancing area. Although the decision did not follow Clean Coalition’s recommended program limitation, the Clean Coalition did comment on the other more expansive scenarios as well. The Clean Coalition argued against the added costs of</p>	<p>“Clean Coalition recommends limiting eligibility to only those projects interconnecting to the distribution system in PG&E’s, SCE’s, or SDG&E’s service territories.” D.14-11-042 at 97.</p> <p>Clean Coalition January 30, 2014 comments at 12-16.</p>	<p>Yes.</p>

<p>expanding the RAM to the transmission network beyond CAISO within California or the WECC service area, and the decision recognized the increased burden of additional contract provisions that would have resulted from eliminating the standard PPA feature of the RAM. D.14-11-042 at 97-98. In this way, the Clean Coalition's policy proposal contributed to the decision even though the Commission did not adopt our primary recommendation.</p>		
<p>3. RAM Valuation</p> <p>Clean Coalition recommended including avoided transmission access charges and avoided line losses in valuation. The Decision did not alter the RAM evaluation to include avoided transmission charges, but it did align it with RPS valuation.</p> <p>The Decision also recognized the importance of commenting on continued improvements to the valuation methodology. D.14-11-042 at 99. The Clean Coalition continues to be active in advocating for a better accounting of the locational benefits that projects in the 3-20 MW size bring to the grid and to ratepayers. In this way, the Clean Coalition's efforts have identified ongoing issues with RAM valuation that will be addressed in this and other proceedings. Although our recommendations were not directly adopted in this area,</p>	<p>"Clean Coalition recommends including avoided transmission access charges and avoided line losses in valuation." D.14-11-042 at 98.</p> <p>Clean Coalition January 30, 2014 comments at 19-28.</p> <p>Clean Coalition February 14, 2014 reply comments at 3-9.</p>	<p>Yes.</p>

our work highlighted important concerns that the Commission recognized must be addressed moving forward.		
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: Joint Solar Parties (Solar Energy Industries Association, Large Solar Association, and Vote Solar Initiative), Natural Resources Defense Council ("NRDC"), The Utility Reform Network ("TURN"), Sierra Club, Nature Conservancy, and Defenders of Wildlife		Verified
d. Intervenor's claim of non-duplication: Our involvement in this proceeding was focused on a specific scope of issues with comments submitted as appropriate. The Clean Coalition also organized coordination and review of party positions with NRDC to insure shared information and address potentially conflicting recommendations to the extent possible. To this end, we did not comment on certain areas of overlapping interest, such as issues related to environmental criteria for RAM projects, and instead we elected to support recommendations made by NRDC, the Sierra Club, the Nature Conservancy, and Defenders of Wildlife. While parties did not decide to file joint comments, this effort resulted in submission of common recommendations from multiple stakeholder perspectives. The Clean Coalition presents a unique voice focused on smart energy policy that will move us toward a renewable and energy efficient future as quickly as possible while also ensuring that savings accrue to ratepayers in the long-term.		Verified; but unreasonable duplication occurred.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
<p>The Clean Coalition has devoted much time and funding to creating a market for wholesale distributed generation in the range of 3-20 MW. The RPS had not adequately promoted projects of this size, and the RAM sought to develop this market. The Clean Coalition was a substantial contributor to D.10-12-048, including development of the standard contracts and RAM interconnection maps utilized to streamline the processes. Working to animate this market, the Clean Coalition has been developing policy proposals aimed at valuing the benefits wholesale distributed generation provides—focusing on the locational benefits resulting from producing energy near load. The Clean Coalition has devoted extensive staff hours and resources to advance this work, including creating policy proposals that we rely on to inform our efforts. While this related work informs our present contributions, only those hours directly associated with this proceeding are requested for compensation, substantially reducing the cost of offering contributions in this proceeding.</p> <p>The Clean Coalition provides a unique perspective as a leading advocate for the aggressive use of distributed generation and intelligent grid solutions to contribute to system reliability, efficiency, and cost effectiveness. While coordination with other parties has resulted in broader appreciation and support for this perspective, no other party represents the arguments that the Clean Coalition regularly advocates: a quick transition to more wholesale distributed generation with increased functionality and intelligent grid attributes to accommodate more renewables while reducing or avoiding integration costs to ratepayers. This perspective has helped guide our thinking on the future of the RAM, which in its new form as a procurement tool will continue to promote the growth of wholesale distributed generation. As with our work regarding locational benefits, the Clean Coalition has expended much time and resources developing real world models describing intelligent grid solutions. However, only those hours directly associated with this proceeding are requested for compensation.</p> <p>The Clean Coalition's involvement will result in increasingly cost-effective renewable energy for all ratepayers in California. Our efforts will also result in environmental benefits from decreasing California's reliance on traditional energy resources, which emit greenhouse gases, ozone, particulate matter, and hazardous air pollutants.</p>	<p>Verified</p>
b. Reasonableness of hours claimed:	

<p>Clean Coalition's attorneys and experts worked on a discreet issue in this proceeding—the RAM—that we have developed significant expertise around. We worked to ensure that only personnel essential to these matters worked on each issue. The hours claimed are reasonable in light of the significance of this proceeding and the substantial environmental and energy benefits that the RAM has brought to ratepayers in California. The hours devoted to this proceeding reflects work on two written filings, various research tasks, and coordination time.</p> <p>Director of Economics and Policy Analysis Kenneth Sahm White took the lead in drafting comments. Mr. White's established rate of \$290 reflects the significant level expertise he has developed working on energy issues over more than 15 years, including 5 years practicing in front of the CPUC.</p> <p>Policy Director Stephanie Wang lead collaboration with other parties on most issues in this proceeding and assisted in drafting comments as needed. We are requesting a rate increase of \$25 for Ms. Wang to reflect a step increase as well as a cost-of-living adjustment from her hourly rate of \$305 in 2013. Ms. Wang's resume is attached.</p> <p>Policy Manger Brian Korpics prepared the intervenor compensation claim. Mr. Korpics is requesting a rate of \$200 in this proceeding. He graduated from New York University School of Law in 2012, and has over 2 years of experience working on environmental and energy issues since graduating from law school. Although he is not yet admitted to practice law in California, he has passed the California Bar Exam (http://apps.calbar.ca.gov/exam/calbar-exam-27729.txt) and is waiting to be sworn in once his application is processed. His resume is attached.</p>	Verified
<p>c. Allocation of hours by issue:</p> <p>This request for compensation covers Issue 2 in the Amended Scoping Memo and Ruling of Assigned Commissioner, dated September 9, 2012, relating to review and possible extension of the Renewable Auction Mechanism. Clean Coalition responded to the December 31, 2013 Administrative Law Judge's Ruling Requesting Comments on the Renewable Auction Mechanism, and commented on the various issues with the RAM. As reflected in our timesheets, the three sub-issues we focused on were: (1) the benefits of the RAM, (2) possible locational restrictions on projects, and (3) valuation methods.</p>	Verified

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Stephanie Wang	2014	19.25	\$330	D.14-12-075 and ALJ-303	\$6,352.5	18.21 ^[A]	\$315.00 ²	\$5,736.15
K. Sahm White	2014	57.5	\$290	D.13-12-023 and ALJ-287	\$16,675	54.82 ^[A]	\$290.00 ³	\$15,897.8
Subtotal: \$23,027.5						Subtotal: \$21,633.95		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Brian Korpics	2014 -15	23.25	\$100	n/a	\$2,325	11.63 ^[B]	\$100.00	\$1,163.00
K. Sahm White	2015	2.5	\$145	D.13-12-023 and ALJ-287	\$362.5	2.5	\$145.00	\$362.50
Subtotal: \$2,687.5						Subtotal: \$1,525.50		
TOTAL REQUEST: \$25,715						TOTAL AWARD: \$23,159.45		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR ⁴		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
Stephanie Wang		September 29, 2008		257437		No		

C. Attachments Documenting Specific Claim and Comments on Part III:

² Application of Cost of Living Adjustment approved in Res. ALJ-303 to rate approved in D.14-12-075.

³ Application of Cost of Living Adjustment approved in Res. ALJ-303 to rate approved in D.15-04-016.

⁴ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Clean Coalition Time Records
3	Clean Coalition Staff Resumes

D. CPUC Disallowances and Adjustments:

Item	Reason
A	Reduction for unreasonable duplication on Issue 1. Reduction of 20% for hours attributed to Issue 1. Issue 1 hours were calculated by summing all hours attributed to multiple issues and dividing by 1/3.
B	Reduction for inefficient claim preparation. For such a short claim, 23 hours is excessive.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6C(6))?	Yes

FINDINGS OF FACT

1. Clean Coalition has made a substantial contribution to D. 14-11-042.
2. The requested hourly rates for Clean Coalition's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$23,159.45.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Clean Coalition shall be awarded \$23,159.45.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay Clean Coalition their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated.” Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning April 08, 2015, the 75th day after the filing of Clean Coalition’s request, and continuing until full payment is made.
3. The comment period for today’s decision is waived.
4. This decision is effective today.

Dated _____, 2015 at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1411042		
Proceeding(s):	R1105005		
Author:	ALJ Simon		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Clean Coalition	January 23, 2015	\$25,715.00	\$23,159.45	N/A	Reductions for lower hourly rate and unreasonable duplication.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Stephanie	Wang	Attorney	Clean Coalition	\$330.00	2014	\$315.00
Kenneth Sahm	White	Expert	Clean Coalition	\$290.00	2014	\$290.00
Brian	Korpics	Paralegal	Clean Coalition	\$100.00	2014	\$100.00

(END OF APPENDIX)